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COMBINED DECLARATION AND POWER OF ATTORNEY

(Original, Design, National Stage of PCT or CIP Application)

Inventors: Roger A. de la Torre, James Stephen Scott, George D. Hermann, Thomas A. Howell, James E. Jervis, Kenneth H. Mollenauer and Roderick A. Young

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are stated below next to my name, I believe I am the original, first and sole inventor (if only one name is listed above) or an original, first and joint inventor along with those listed above (if plural names are listed above) of the subject matter which is claimed and for which a patent is sought on the invention entitled: LAPAROSCOPIC ACCESS PORT FOR SURGICAL INSTRUMENTS OR  
THE HAND

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the specification of which: (Complete (a), (b) or (c) for type of application)

## REGULAR OR DESIGN APPLICATION

- (a) \_\_\_\_ is attached hereto.
- (b) X was filed on October 7, 1994 as Application Serial No. \_\_\_\_  
and was amended on \_\_\_\_ (if applicable).

## PCT FILED APPLICATION ENTERING NATIONAL STAGE

- (c) \_\_\_\_ was described and claimed in International Application No. \_\_\_\_  
filed on \_\_\_\_ and as amended on \_\_\_\_ (if any).

## ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to the above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations §1.56(a).

- X In compliance with this duty there is attached an information disclosure statement  
37 CFR 1.97.

## PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

[Complete (d) or (e)]

- (d)   X   no such applications have been filed.
- (e)        such applications have been filed as follows.

### EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO SAID APPLICATION

Country	Application No.	Date of filing (day, month, year)	Date of issue (day, month, year)	Priority Claimed
				___ YES NO ___
				___ YES NO ___

### ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO SAID APPLICATION


## CONTINUATION-IN-PART

(Complete this part only if this is a continuation-in-part application)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

(Application Serial No.)	(Filing Date)	(Status)	(Patented, pending, abandoned)

## POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorney and/or agent to prosecute this application and transact all business in the U.S. Patent and Trademark Office connected therewith, before all competent international authorities in connection with any international application, and before all foreign patent offices in connection with the national phase of any international application or any foreign application, and to appoint any associate attorneys in connection with any application, either domestic, international or foreign national.

John M. Howell (25,261); Richard E. Haferkamp (29,072); Stanley M. Tarter (18,454); Kenneth Solomon (31,427); Joseph M. Rolnicki (32,653); Daniel G. Feder (37,618); Donald R. Holland (35,197); Joseph E. Walsh, Jr. (36,959); and David E. Crawford, Jr. (P38,118).

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St. Louis, Missouri 63105

Direct Telephone Calls To  
Joseph M. Rolnicki  
(314) 727-5188

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Roger A. de la Torre

Inventor's signature Roger A. de la Torre

Date 10/16/94

Country of Citizenship United States of America

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Full name of second inventor James Stephen Scott

Inventor's signature James Stephen Scott

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Full name of third inventor George D. Hermann

Inventor's signature George D. Hermann

Date DEC 2<sup>ND</sup>, 1994 Country of Citizenship United States of America

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Inventor's signature Thomas A. Howell

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Full name of fifth inventor James E. Jervis

Inventor's signature James E. Jervis

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Full name of sixth inventor Kenneth H. Mollenauer

Inventor's signature Kenneth H. Mollenauer

Date Dec 13, 1994 Country of Citizenship United States of America

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Full name of seventh inventor Roderick A. Young

Inventor's signature Roderick A. Young

Date Dec 1, 1994 Country of Citizenship United States of America

Residence 1633 Webster Street, Palo Alto, California 94301

Post Office Address 1633 Webster Street, Palo Alto, California 94301

36491

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Roger A. de la Torre et al.      Art Unit: 3731  
Serial No.: 08/902,144      Examiner: G. Dawson  
Filed : July 29, 1997  
Title : LAPAROSCOPIC ACCESS PORT FOR SURGICAL INSTRUMENTS OR  
THE HAND

Assistant Commissioner for Patents  
Washington, DC 20231

REVOCATION AND NEW POWER OF ATTORNEY

Under 37 CFR §3.73(b) General Surgical Innovations, Inc., a corporation, certifies that it is the assignee of 100% of the right, title and interest in the patent application identified above. Specifically, the patent application identified above is a continuation application of U.S.S.N. 08/319,986, which was filed on October 7, 1994, and which issued as U.S. Patent No. 5,653,705 on August 5, 1997. The assignments of U.S.S.N. 08/319,986 to General Surgical Innovations, Inc. were recorded in the U.S. Patent and Trademark Office at Reel 7351, Frame 0514 on December 19, 1994 (Exhibit A) and at Reel 7351, Frame 0518 on March 6, 1995 (Exhibit B).

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned, whose title is supplied below, is empowered to act on behalf of the assignee.

Date of Deposit November 16, 1998  
I hereby certify under 37 CFR 1.5(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, DC 20231

Lisa G. Gray  
Lisa G. Gray

The undersigned, acting on behalf of the assignee,  
hereby revokes all powers of attorney previously granted in the  
application and appoints:

Peter J. Devlin, Reg. No. 31,753  
Kurt L. Glitzenstein, Reg. No. 39,686  
Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110-2804

with full power of substitution and revocation, to prosecute the  
application and to transact all business in the United States  
Patent and Trademark Office connected therewith.

All correspondence regarding the application should be  
sent to Peter J. Devlin at Fish and Richardson, P.C., 225  
Franklin Street, Boston, MA 02110, telephone (617)-542-5070,  
facsimile (617)-542-8906.

I hereby declare that all statements made herein of my  
own knowledge are true and that all statements made on  
information and belief are believed to be true; and further that  
these statements were made with the knowledge that willful false  
statements and the like so made are punishable by fine or  
imprisonment, or both, under Section 1001 of Title 18 of the  
United States Code and that such willful false statements may

jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,

Date: 10-9-98

Printed Name: JAMES E. JERVIS

Title: VICE PRESIDENT

General Surgical Innovations, Inc.

315939.B11

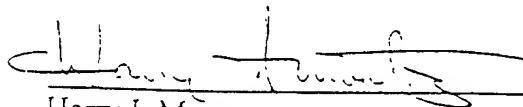
BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE  
UNITED STATE PATENT AND TRADEMARK OFFICE

LIMITED RECOGNITION UNDER 37 CFR § 10.9(b)

Marc M. Wefers is hereby given limited recognition under 37 CFR § 10.9(b) as an employee of Fish & Richardson P.C., to prepare and prosecute patent applications wherein the patent applicant is the client of Fish & Richardson P.C. and the attorney or agent of record in the applications is a registered practitioner who is a member of Fish & Richardson P.C. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Marc M. Wefers ceases to lawfully reside in the United States, (ii) Marc M. Wefers' employment with Fish & Richardson P.C. ceases or is terminated, or (iii) Marc M. Wefers ceases to remain or reside in the United States on an H-1B visa.

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office

Expires: December 22, 2001



Harry I. Moatz  
Director of Enrollment and Discipline

FILED OCT 3 1999